

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center
625 E. County Rd. Y, Suite 700
Oshkosh, Wisconsin 54901
TELEPHONE 920-424-3050
FAX 920-424-4404

November 15, 1999

Mr. Steve Wilz and Mr. James Fenske
N720 County Road H
Fremont WI 54940

COPY

SUBJECT: Conditional Closure of (former) Fremont Auto
224 Wolf River Drive, Fremont WI
BRRTS ID# 03-69-001181

Dear Mr. Wilz and Mr. Fenske:

The above referenced case file has been reviewed by the WDNR's Northeast Region Case Closure Committee. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. After careful review, the Committee has decided to grant a *conditional* case closure. At this time, it appears that actions have been taken to the extent practicable to restore the environment and minimize the harmful effects from this discharge to the air, lands and waters of the state.

First Condition: Deed Restriction

The WDNR is requiring no further remedial action at this time; however, *You must file the attached "Declaration of Restriction" with your county Register of Deeds office within 30 days and send proof of this filing to the Department within 60 days of the date of this letter.* The attached restriction also includes maps which must be filed with the text. (The restriction is a Department standard format and has been drafted with oversight from Department attorneys. Please contact me if you have any questions or concerns regarding the restriction as written.)

NOTE: This restriction must be signed by both John and Margaret Merrick because they are the legal property owners according to the deed provided.

Please note that case closure is dependent upon the filing of this deed restriction. *If the restriction is not filed with the County Register of Deeds, the case remains active and continued sampling of the monitoring wells at the site will be required.* A workplan of the sampling schedule and maintenance of the monitoring wells will be required within 90 days of the date of this letter if verification of the restriction filing is not received as indicated above.

Second Condition: Monitoring Well Abandonment

After filing the restriction with the county and sending a copy to the Department, all monitoring wells, sumps, and/or boreholes must be abandoned according to Chapter NR 141, Wisconsin Administrative Code. The abandonment forms (#3300-5B) should be sent to my attention.



DOCUMENT NO.

522335

STATE BAR OF WISCONSIN FORM 1-1982
WARRANTY DEED

VOL 780 p. 227

THIS SPACE RESERVED FOR RECORDING DATA

This Deed, made between Steven J. Wilz and Michael E. Fenske d/b/a FREMONT AUTO CENTER

REGISTER'S OFFICE
WAUPACA COUNTY, WI
RECEIVED FOR RECORD

JUL 19 1994

At 11:00 A.M. on JUL 19 1994

before me, the undersigned, Notary Public for the State of Wisconsin, my commission expires JUL 19 1997

and John R. Merrick and Margaret A. Merrick, husband and wife, as survivorship marital property

Grantee,

Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Waupaca County, State of Wisconsin:

EVERGREEN STATE BANK

RETURN TO
P.O. BOX 288
602 MAIN ST.
POY SIPP, WI 54967

Tax Parcel No.

The Northwest half (NW $\frac{1}{2}$) OF Lot 30, all of Lot 31 and the Southeast Quarter (SE $\frac{1}{4}$) of Lot 32 of Townsend and Bergstresser's Addition to the Village of Fremont, according to the recorded plat thereof, together with the Southeast 1.65 feet of the Northwest three-quarter (NW $\frac{3}{4}$) of Lot 32 of Townsend and Bergstresser's Addition to the Village of Fremont, excepting the Southeast 0.75 feet of the Northwest half (NW $\frac{1}{2}$) of Lot 30 of Townsend and Bergstresser's Addition to the Village of Fremont, Waupaca County, WI

TRANSFER FEE
PAID IN FULL
\$210.00

This is not homestead property.
(is) (is not)

Together with all and singular the hereditaments and appurtenances thereto belonging:
And Steven J. Wilz and Michael E. Fenske
warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except

and will warrant and defend the same.

Dated this 11th day of July, 1994

Steven J. Wilz

(SEAL)

Michael E. Fenske

(SEAL)

(SEAL)

(SEAL)

AUTHENTICATION

Signature(s) Steven J. Wilz and Michael E. Fenske d/b/a Fremont Auto Center

authenticated this 11th day of July, 1994

David L. Werth

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney David L. Werth
121 E. Main Street, Box 499
Weyauwega, WI 54983

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

Waupaca County.

Personally came before me this 11th day of July, 1994

the above named Steven J. Wilz and Michael E. Fenske d/b/a FREMONT AUTO CENTER

to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public, David L. Werth, County, Wis.

My Commission is permanent (If not, state expiration date: 11/19/97) 1997

*Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN
FORM No. 1-1982Wisconsin Legal Blank Co. Inc.
Milwaukee, Wis.

I HEREBY CERTIFY THAT I HAVE ON THIS 22nd DAY OF JULY, 1994, MICROFILMED THE ABOVE AND FOREGOING DOCUMENTS IN ACCORDANCE WITH AND WITH STANDARDS ESTABLISHED BY S. 889 (3) (b) AND WITH ESTABLISHED PROCEDURES, TERRI AMADOR, MICROFILM TECHNICIAN, WAUPACA COUNTY COURTHOUSE, WAUPACA, WI 54981

602869



GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: The Northwest half (NW1/2) of Lot 30, all of Lot 31 and the Southeast Quarter (SE1/4) of Lot 32 of Townsend and Bergstresser's Addition to the Village of Fremont, according to the recorded plat thereof, together with the Southeast 1.65 feet of the Northwest three-quarter (NW3/4) of Lot 32 of Townsend and Bergstresser's addition to the Village of Fremont, excepting the Southeast 0.75 feet of the Northwest half (NW1/2) of Lot 30 of Townsend and Bergstresser's Addition to the Village of Fremont, Waupaca County, WI

REGISTER'S OFFICE
WAUPACA COUNTY WI
RECEIVED FOR RECORD

DEC 9 1999

At 8:00 o'clock AM

In Vol. 263 Page 677

Tommy J. Jensen

Recording Area

Name and Return Address

Fremont Auto Center Inc.
N720 County Road H
Fremont WI, 54940

25-25-71-31

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF WAUPACA)

WHEREAS, John R. Merrick and Margaret A. Merrick, husband and wife, as survivorship marital property are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum-contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following location(s) on the following date(s): Monitoring Well 100(MW-100) on April 24, 1998 had 110micrograms per Kilogram (ug/Kg) benzene, 1200ug/Kg ethylbenzene, 2940ug/Kg trimethylbenzene and borehole KV-1 on August 12, 1999 had 45ug/Kg benzene. Monitoring well and borehole locations are shown on Figure 1 which is attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140 Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 Wis. Adm. Code is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 29 day of Nov., 1999.

Signature: [Signature]

Printed Name: John R Merrick

Signature: [Signature]

Printed Name: Margaret A Merrick

Subscribed and sworn to before me
this 29th day of Nov., 1999.

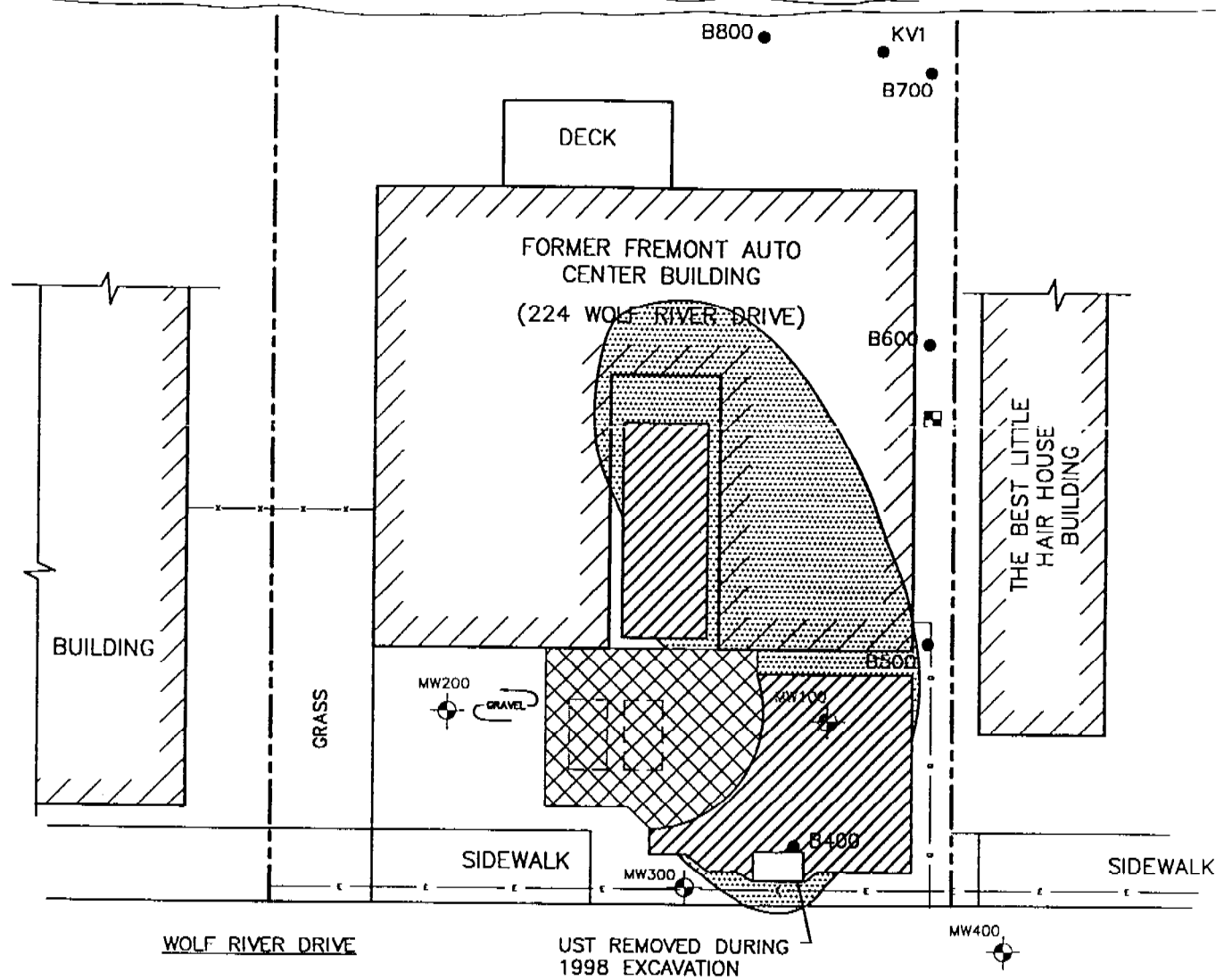
[Signature]
Notary Public, State of WI

My commission 8-24-2003

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by Northern Environmental, Inc.

→ VOL 963 PAGE 680 →

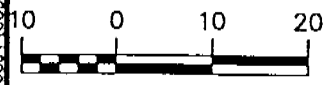
WOLF RIVER



EXPLANATION

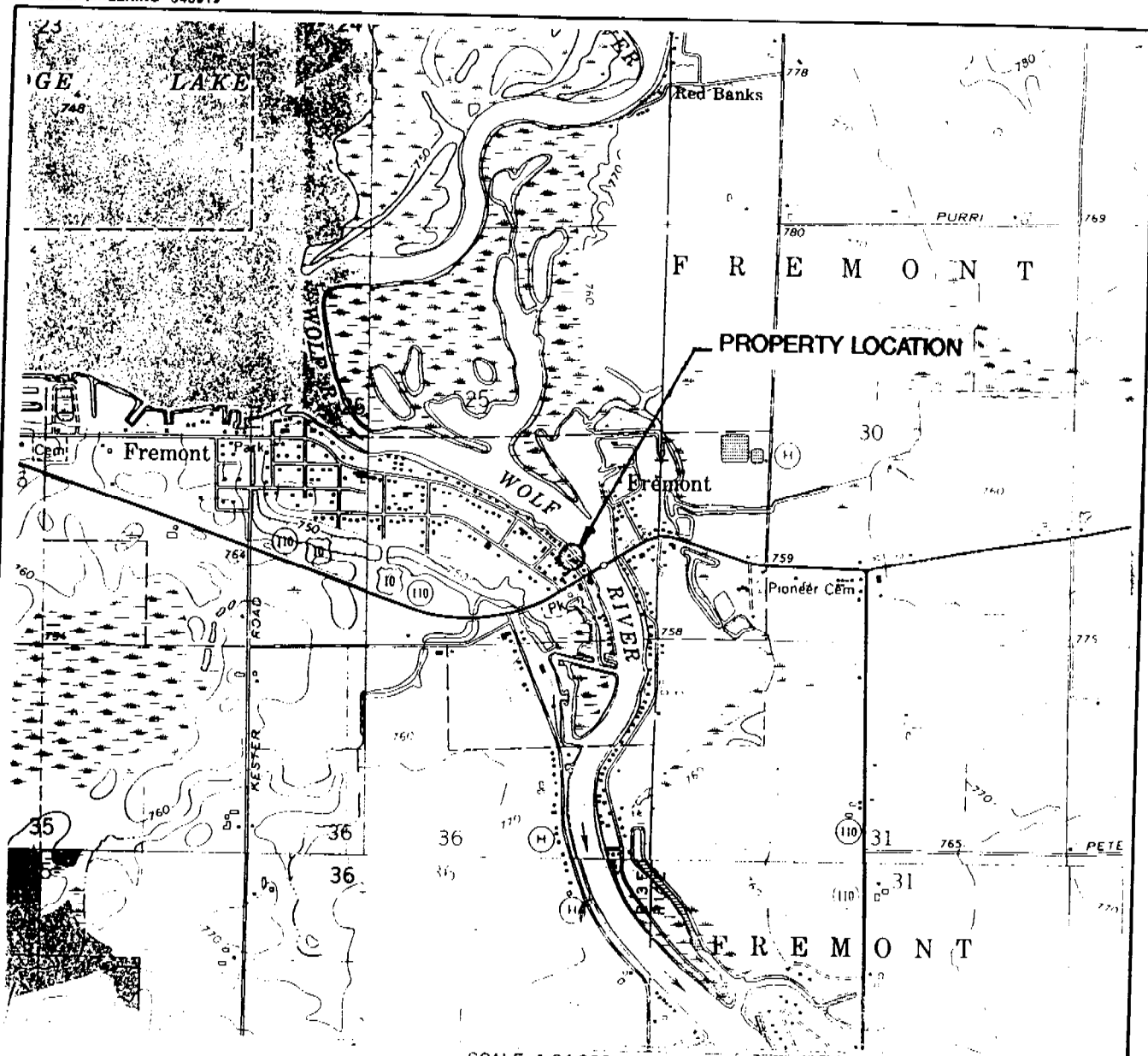
- MW100 FORMER MONITORING WELL LOCATION
- MW200 MONITORING WELL LOCATION AND IDENTIFICATION
- e— BURIED ELECTRIC UTILITY
- g— BURIED GAS UTILITY
- x-x- FENCE
- WOLF RIVER FLOW DIRECTION
- PRIVATE SUPPLY WELL
- B700 SOIL BORING LOCATION AND IDENTIFICATION
- LIMIT OF 1992 EXCAVATION
- LIMIT OF 1998 EXCAVATION
- EXTENT OF SOIL WITH CONCENTRATIONS OF PETROLEUM COMPOUNDS ABOVE THE GERIERIC RCLS
- USTs REMOVED IN MID-1970's

SCALE IN FEET

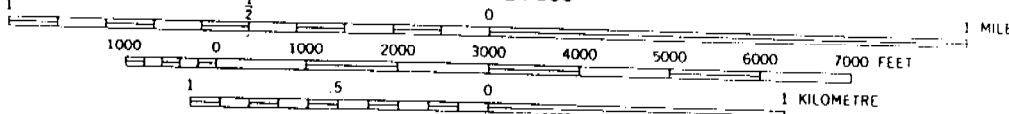


DRAWN BY: MJM PROJECT: FAC130801		DATE:	FORMER FREMONT AUTO CENTER FREMONT, WISCONSIN
REV. DATE 07/09/98 08/31/99	THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.		
Northern Environmental SM Hydrologists • Engineers • Geologists		SITE LAYOUT	

FIGURE: 1



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



N

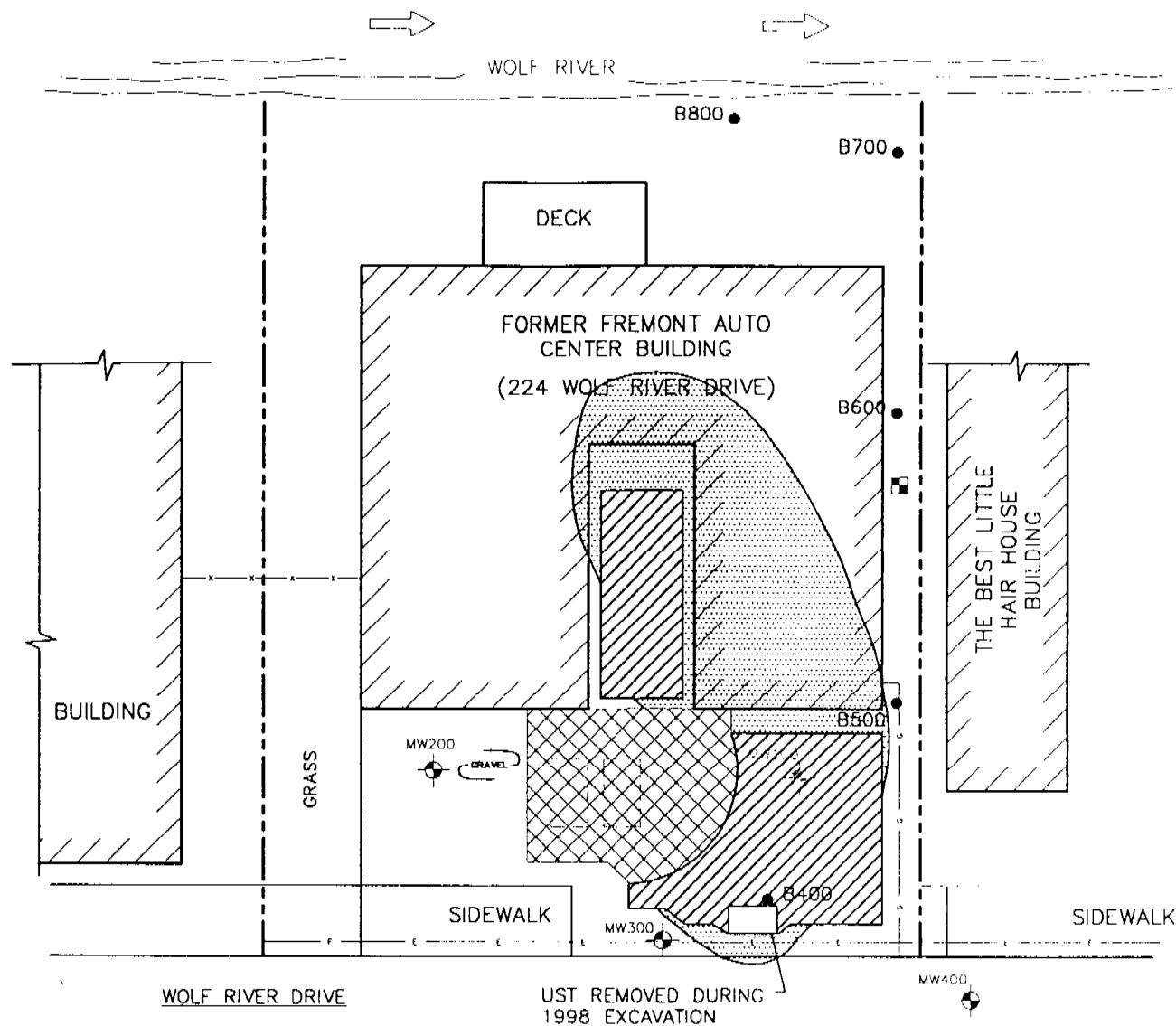
MAP SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC MAPS: LAKE POYBAN, WI, 1976;
POY SUPP. WI, 1981; READFIELD, WI, 1976; WEAUWATOGA, WI, 1980



QUADRANGLE LOCATION

REV	PROJECT: FAC130801	DATE: 07/24/98	FORMER FREMONT AUTO CENTER FREMONT, WISCONSIN
THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED THE DRAWING AND ANY COPIES THEREOF SHALL BE RETURNED TO THE OWNER ON DEMAND			
▲ Northern Environmental Hydrologists • Engineers • Geologists			PROPERTY LOCATION AND LOCAL TOPOGRAPHY

FIGURE 1



EXPLANATION

- | | | | |
|-------|---|--|--|
| MW100 | FORMER MONITORING WELL LOCATION | | LIMIT OF 1992 EXCAVATION |
| MW200 | MONITORING WELL LOCATION AND IDENTIFICATION | | LIMIT OF 1998 EXCAVATION |
| --- | BURIED ELECTRIC UTILITY | | EXTENT OF SOIL WITH CONCENTRATIONS OF PETROLEUM COMPOUNDS ABOVE THE GENERIC RCLs |
| --- | BURIED GAS UTILITY | | USTs REMOVED IN MID-1970's |
| - - - | FENCE | | |
| → | WOLF RIVER FLOW DIRECTION | | |
| ■ | PRIVATE SUPPLY WELL | | |
| B700 | SOIL BORING LOCATION AND IDENTIFICATION | | |

SCALE IN FEET



DRAWN BY: MJM PROJECT: FAC130801 DATE: 07/24/98

REV. DATE
07/09/98

THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.

Northern EnvironmentalSM
Hydrologists • Engineers • Geologists

FORMER FREMONT AUTO CENTER
FREMONT, WISCONSIN

SITE
LAYOUT

FIGURE: 2

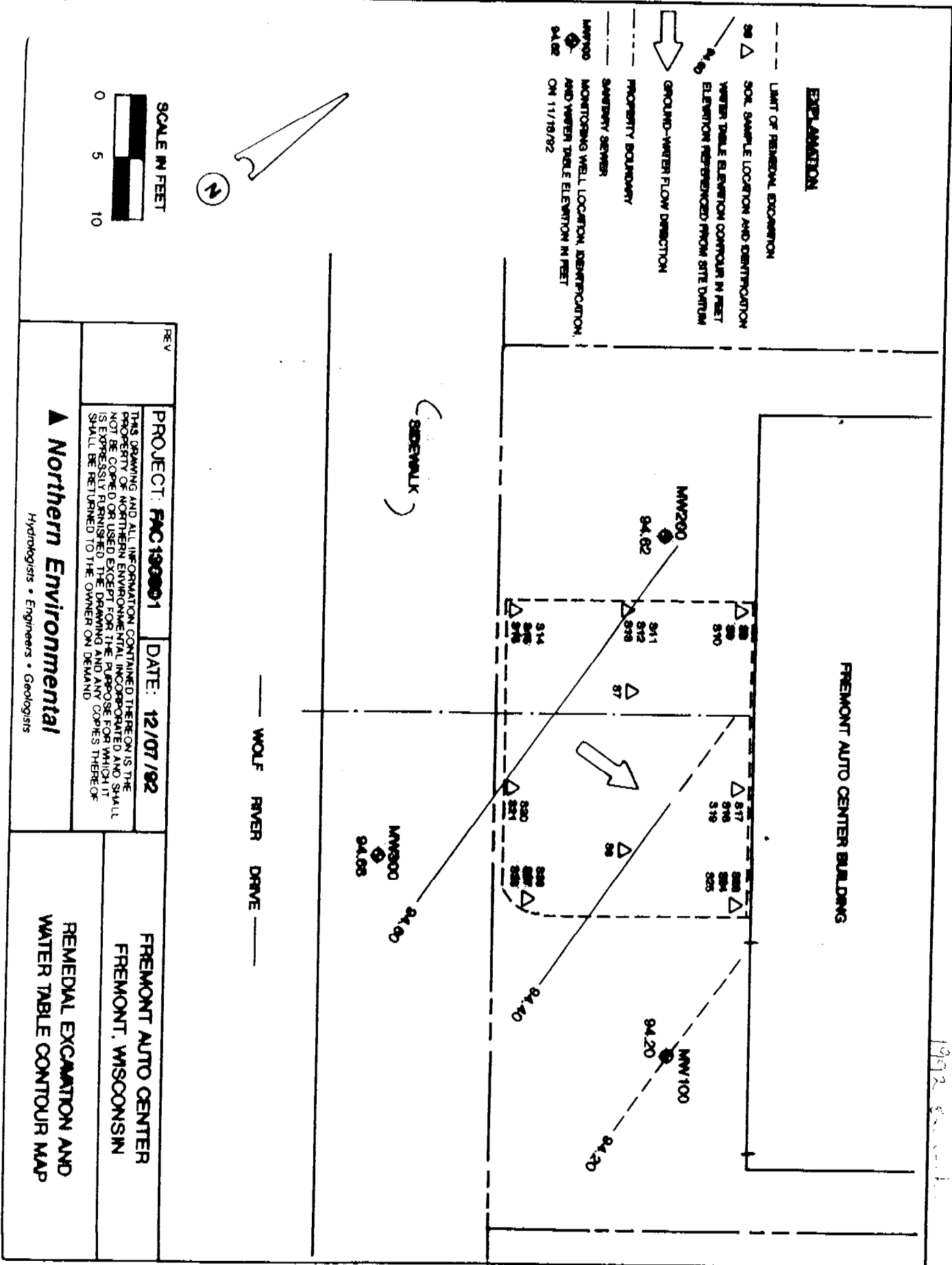


FIGURE 3

Table 2 Ground-Water Laboratory Analyses, Former Fremont Auto Center, Fremont, Wisconsin

Well Number	Date Collected	Laboratory Result (µg/l)												Methylene Chloride
		GRO Benzene	n-Butyl Benzene	sec-Butyl Benzene	Chloro Benzene	Ethyl Benzene	Isopropyl Benzene	MTBE	Naphthalene	n-Propyl Benzene	Toluene	Trimethyl Benzenes	Total Xylenes	
MW100 (Removed)	07/09/92	2800	82	35	19	<10	16	<10	44	20	530	1500	670	<10
	07/09/92	-	260	86	45	<10	46	<10	110	55	1500	490	1700	<10
	11/18/92	-	460	-	-	-	-	ND	240	-	1500	490	1700	<10
	02/17/93	-	130	-	-	-	-	ND	63	-	1500	490	1700	<10
	06/01/93	-	450	-	-	-	-	ND	270	-	1100	1740	960	<10
	10/01/93	-	150	-	-	-	-	ND	95	-	27	550	1000	<10
	10/28/94	-	330	-	-	-	-	ND	350	-	60	1150	2100	<10
	11/07/95	-	330	-	-	-	-	<4.4	480	-	1150	1040	1300	<10
	10/25/96	-	220	-	-	-	-	<5	-	-	1150	1040	1300	<10
	04/24/98	-	110	-	-	-	-	<3.1	-	-	1150	1040	2000	<10
MW220	07/09/92	<50	<10	<10	<10	<10	<10	<10	<10	<10	<10	<10	<10	<10
	11/18/92	-	<0.6	-	-	<10	-	ND	<20	-	<10	<10	<15	-
	04/24/98	-	<0.32	-	-	<0.34	-	<0.31	-	-	<0.35	<0.64	<1	-
	11/17/98	-	<0.32	-	-	<0.34	-	<0.31	-	-	<0.35	<0.64	<0.98	-
MW300	07/09/92	3000	9.1	96	12	4.3	7.7	<10	5.0	21	4.3	99	17	<10
	11/18/92	-	<0.6	-	-	<10	<10	ND	<20	-	9.1	35.8	1.8	-
	02/17/93	-	130	-	-	<10	-	ND	3.4	-	9.2	26	<10	-
	06/01/93	-	450	-	-	1.6	1.6	ND	3.6	-	17	36	3.9	-
	10/01/93	-	21	-	-	3.7	3.7	ND	2.7	-	11	25.9	13.2	-
	10/28/94	-	5.0	-	-	1.3	1.3	ND	2.7	-	11	21.4	<2.5	-
	10/28/94	-	5.0	-	-	<10	<10	ND	2.7	-	11	21.4	<2.5	-
	11/07/95	-	<0.32	-	-	1.2	1.2	0.73	1.0	-	8.7	22.9	<2.5	-
	10/25/96	-	<0.32	-	-	1.3	1.3	1.1	-	-	13	35	2.6	-
	04/24/98	-	<0.32	-	-	<0.34	<0.34	<0.31	-	-	<1	1.4	<2	-
MW400	04/24/98	-	<0.32	-	-	<0.34	<0.34	<0.31	-	-	<0.35	<0.64	<0.98	-
	11/17/98	-	<0.32	-	-	<0.34	<0.34	<0.31	-	-	<0.35	<0.64	<0.98	-
	07/09/92	-	<0.1	<0.1	<0.1	<0.1	<0.1	ND	<0.1	<0.1	15	<0.1	1.6	<10
	10/28/94	-	<0.6	-	-	<10	-	ND	<0.1	-	3.5	<10	<2.5	-
Field Blank	04/24/98	-	<0.32	-	-	<0.34	<0.34	<0.31	-	-	<0.35	<0.64	<0.98	-
	11/17/98	-	<0.32	-	-	<0.34	<0.34	<0.31	-	-	<0.35	<0.64	<0.98	-
	10/28/94	-	<0.32	-	-	<10	<10	ND	-	-	2.6	<10	<2.5	-
	06/01/93	-	<0.6	<0.6	<10	<10	<10	ND	<20	<10	<10	<10	<15	<20
Best Little Hair House (Tap) (PW-0801)	06/01/93	-	<0.6	<0.6	<10	<10	<10	ND	<20	<10	<10	<10	<15	<20
	10/28/94	-	<0.6	<0.6	<10	<10	<10	ND	<20	<10	<10	<10	<15	<20
	11/07/95	-	<0.26	<0.45	<0.49	<0.27	<0.32	<0.22	<0.41	<0.41	<0.69	<0.57	<1.23	<4
	10/25/96	-	<0.26	<0.45	<0.49	<0.27	<0.32	0.26	<0.41	<0.41	<0.69	<0.57	<1.23	<4
NR 140 Wis. Adm. Code ES		NR	5	NR	NR	NR	NR	NR	60	NR	343	480	620	5
NR 140 Wis. Adm. Code PAL		NR	0.5	NR	NR	NR	NR	NR	8	NR	68.6	96	124	3.5

NOTE

µg/l = micrograms per liter
GRO = gasoline range organics
MTBE = methyl tertiary-butyl ether
- = duplicate sample
ND = not analyzed
NR = not detected

<X = less than method reporting limit
NR = not regulated
XXX = concentration detected between the limit of detection and limit of quantification
Chapter NR 140, Wisconsin Administrative Code (NR 140, Wis. Adm. Code) enforcement standard (ES) Exceedance
NR 140 Wis. Adm. Code preventive action limit (PAL) Exceedance